

August – October  
2001



WASHINGTON STATE  
GAMBLING COMMISSION

# Focus n Gambling

## UPDATE ON LEGISLATIVE ROUND TABLE ON GAMBLING POLICY

Over the last few years, the Senate Labor, Commerce and Financial Institutions Committee, chaired by Senator Margarita Prentice, has held meetings across the state in order to learn more about the various gambling activities, how they affect each other, and how they fit together. This committee is the one that hears most gambling-related bills.

The Committee has been conducting Round Table meetings in the summer and fall of 2001. The Committee is looking at all gambling activities, including lottery, horse racing, and commission-regulated gambling, such as bingo, punchboards/pull-tabs, enhanced card rooms, and Tribal casinos. The Committee has toured various gambling activities in each geographic area they visit.

On August 22, the first meeting was held in La Center, Washington. The present state of the bingo industry was discussed, and Gambling Commission staff delivered a report on House Banked Card Rooms. The Recreational Gaming Association presented information on Senate Bill 6193. This bill would make many changes, including allowing commercial operators to have 200 electronic pull tab machines, and charitable/nonprofit organization to have 50 electronic bingo machines, in addition to the pull tab machines. It would also allow the state to tax the electronic pull tab machines. Currently, only local jurisdictions can tax gambling activities.

On September 18<sup>th</sup> the Round Table met in Spokane. The Washington State Lottery made a presentation about the recent law changes that will direct more lottery money directly to school construction. Lottery staff also

*(Continued on page 2)*



### Commissioners:

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Curtis Ludwig, Vice Chair  
Liz McLaughlin  
Judge Marshall Forrest (Ret.)  
Alan Parker

### Ex-Officio Members:

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Senator Shirley Winsley  
Representative Alex Wood  
Representative Jim Clements

### ***Inside this Issue:***

- 3** Agency Conference & Combined Fund Drive
- 3** Message from the Director
- 4** Raffles by Commercial Businesses
- 5** Change in Card Room Training Format
- 5** Reporting Income from PT & PB
- 6** Reporting Help for You!
- 6** Problem Gambling Training & Awards Dinner
- 7** Financial Reporting Services Reports
- 7** Late Reporting Administrative Update
- 8** Administrative Case Update
- 9** Rules Information

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Cindy Reed

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(Continued from page 1)

discussed advertising issues, impacts of Powerball in other states, and the work that the Lottery is doing in the area of problem gambling. The agency advised that it has funded new Public Service Announcements on radio and TV, are working to add problem gambling messages in Spanish and Korean, and will begin work on enforcement of underage gambling.



Senator  
Margarita  
Prentice

Several local citizens talked to the members of the Round Table and listed the reasons they felt gambling was not good for the community and should be prohibited.

Members of the Kalispel Tribe presented an update about their tribal casino.

Gary Hanson, Executive Director of the Washington State Council on Problem Gambling, advised that his organization may be proposing legislation during the next legislative session. The situation with insurance carriers was also mentioned as it is difficult to get treatment even for those who can get their insurance to cover it.

A presentation was made of the DigiDeal system; the company is based in Spokane. This system was followed with interest by the Legislature before they adjourned and this was a chance to demonstrate how it worked.

The last presentation was from the Horse Racing Commission. They discussed the attempt in 1999 to open the Lilac Race Track in Spokane. Unfortunately, the track had to be closed after 13 months because of losses incurred during that time.

The last meeting of the Round Table was on October 24<sup>th</sup> in Kennewick. They will meet again on November 19<sup>th</sup> in Bellingham. The December meeting in Olympia has not yet been set. At the Kennewick meeting, Commission staff gave a report on charitable/nonprofit gambling and a demonstration on Internet gambling web sites. The charitable/nonprofit organizations gave a report on 2002 legislative proposals and there was a report on the horse racing industry in the Tri-Cities.

TVW has been invited to each meeting. The House Commerce and Labor Committee has also been invited. The Committee encourages the public to attend and participate. If you are interested in receiving additional information about the topics and locations, you can find the information on our web site [www.wsgc.wa.gov](http://www.wsgc.wa.gov).



**Mission Statement**

**Protect the public by ensuring that gambling is legal and honest.**

## Agency Conference and Combined Fund Drive

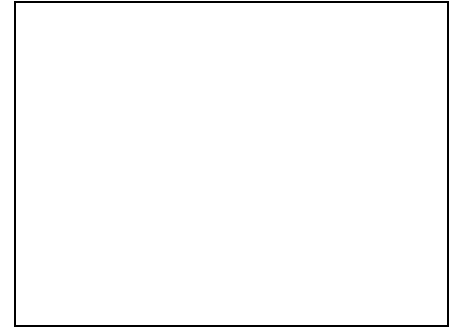
The Gambling Commission held its yearly conference September 26 and 27th in Olympia. This is the only time when agency staff from all over the state get the chance to meet and discuss issues affecting the entire Commission. On the agenda were speakers who challenged us to continue on our journey towards becoming a world class Gambling Commission. It was also an excellent opportunity for the staff and our new Director Rick Day to become better acquainted with each other.

On everyone's mind during the conference were the events that took place on September 11 in New York, Washington D.C. and Pennsylvania. As a way to show their concern and support for those affected by the

tragedies, the staff is conducting several fund raising drives as part of the state's Combined Fund Drive, with the proceeds designated towards the American Red Cross September 11 Relief Fund.

The staff is prohibited from using any type of gambling activity to raise money; however, they showed great ingenuity in the methods they have selected. During the conference, several work units donated gift baskets and a silent auction took place during the lunch hour and break times. A total of over \$1,000 was raised through this method. In addition, a cookie sale/bake-off competition and separate book/video/music CD sale also raised funds in October.

After the 1st week of fund-raising, the Gambling Commission was at 50% participation, which means 50% of staff has contributed in one way or another. Our goal this year is 100% participation, up from 40% last year. Our fundraising goal was \$1,000, but we surpassed that in the first week!



Agency Conference



Baskets for Combined Fund Drive



David Allison, Financial Reporting Services  
Combined Fund Drive Chairman

## Message from the Director

**By Rick Day, Executive Director**

In September, I began my duties at the Gambling Commission with confidence in the excellent and professional work of the agency's employees. I'm confident they were all doing an outstanding job prior to my privilege of becoming the Executive Director and I'm confident they will continue to perform as dedicated professionals.

Some licensees may be interested in my background. I was born and raised in Montana, so I am learning a lot of new things about Washington State. I am married and have three children. I attended Gonzaga University in Spokane for one year, then graduated from Montana State University with a degree in Sociology/Criminal Justice. I began my law enforcement career as a police officer in Montana.

*(Continued on page 4)*

*(Continued from page 3)*

I have worked in the criminal justice system for over 25 years. About 15 of those years were in state law enforcement-regulatory work involving tobacco, liquor, and gambling investigations. I have about 19 years of leadership experience including:

- Organizing the first Department of Corrections in Montana's history and providing leadership and management for more than 1,000 positions, 25 field offices, eight secure facilities, and probation and parole;
- Managing statewide criminal and dangerous drug investigations, criminal history records and fire prevention and investigation units; and,
- Establishing and managing Montana's first criminal and regulatory gambling investigation bureau following the re-location of the responsibility from the Department of Revenue to the Attorney General.

I believe listening is the most important function of effective leadership and you have my commitment to always listen. I intend to look for ways to further encourage an open dialogue with the licensees so that together we can provide solutions to improve the agency's services. I also plan to attend many of the study group meetings before each Commission meeting and to meet with the various interest groups within the gambling industry. This will take some time, so I ask for your patience and openness. I look forward to learning about the industry's concerns and exploring ways in which we can each achieve our separate goals.

It is evident Ben Bishop has served the agency well. I will not try to fill Ben's shoes. However, with your support I plan to continue to reinforce the effectiveness and professionalism of the agency. My leadership style will no doubt be different and some changes are likely. When those changes come they will come with your involvement, after thoughtful review, and in the best interests of the agency.

My expectations are simple. I will treat all of you with respect and I ask the same from you. I look forward to meeting and working with you.

## Raffles by Commercial Businesses

Many private businesses have been looking for ways to raise money for organizations helping out with expenses arising out of the September 11 terrorist incidents. Many are using variations of a raffle to do so and have been calling the Gambling Commission asking for advice on how to conduct it.

The Gambling Commission would like to remind everyone that only a charitable/nonprofit organization is eligible to conduct a raffle. The definition of charitable/nonprofit for purposes of conducting a gambling activity include the following elements:

- Designated as a charity by the IRS;

- At least 15 members who elect the governing board;
- In existence for at least 12 months before conducting the gambling activity and ability to show progress towards achieving charitable/nonprofit goals; and,
- Organized for one of the specific activities cited in RCW 9.46.0209 (i.e. charitable, social, educational, etc.)

Even if your business intends to make a donation to a nonprofit organization, this does not give you the authorization to conduct the raffle. If your company is considering fund-raising, please consider the traditional activities of auctions, bake sales, or car washes.

If you wish to pursue the idea of a raffle, here is a suggestion for how you could do it in a legal manner. Contact a member of the non-profit group you wish to assist. Let them know you are interested in supporting their good works by offering assistance if they want to

conduct a raffle. Your assistance could take the form of donating a prize towards a raffle the nonprofit would conduct, or to offer to sell tickets for any licensed raffle that the nonprofit may conduct. (NOTE: While the nonprofit organization is required to manage all aspects of a raffle, non-members are allowed to sell raffle tickets for any LICENSED raffle as long as certain types of oversight are in place. If the raffle is unlicensed, non-members may not sell tickets.)

If you are interested in learning more about raffles, please visit our web site and look under Unlicensed/Prohibited Activities for information about unlicensed raffles. You can also look in the training site under Raffles or download a raffle application from the Applications/Forms section if you represent a charitable/nonprofit organization.





## Change in Card Room Training Format

Commission staff members involved in the mandatory training program are working on making changes in the card room training that will make it more effective for those attending. They are looking at reducing the time allotted to the class while emphasizing the areas where the most number of violations have traditionally occurred. It has been emphasized during these discussions that the purpose of the training is to provide an opportunity to learn the rules and regulations that govern the activity. The goal is voluntary compliance through effective education.

During the January Commission study group meeting, Mandatory Training Coordinator Cindy Reed, and Card Room Coordinator/Supervisor Keith Wittmers, will be talking to members of the industry about this change to training. Please be ready to discuss ways in which the training can be improved. If you wish to contact Cindy directly, she can be reached by e-mail at [cindyr@wsgc.wa.gov](mailto:cindyr@wsgc.wa.gov) or by phone at (800) 345-2529 Ext. 3467.

## Reporting Income From Pull-Tabs and Punch Boards

The newsletter staff was recently alerted by a pull tab distributor that Department of Revenue rules had changed regarding taxation of merchandise prizes on punchboards and pull tab games. The DOR agreed to write this article to explain the change. They will also be sending out a letter with the same information to all distributors and PB/PT operators.

This Special Notice provides information about the reporting procedures for manufacturers, distributors and operators of gaming devices.

Prior to April 1, 1999, operators of pull-tab and punch board games awarding merchandise prizes were considered to be selling the prizes for the gross income derived from the games. Accordingly, the gross income from the operation of the games was subject to the retailing business and occupation (B&O) and retail sales tax. Consistent with that tax treatment, operators of the games were able to provide resale certificates to their vendors

for the prizes. This method of reporting changed with the amendment of WAC 458-20-131.

Effective April 1, 1999, all "increases" for punch boards and pull-tabs are reported under the service and other activities B&O tax classification. The term "increases" is defined as the gross gambling receipts, less the monetary value or, in the case of merchandise, the actual cost, of any prizes awarded. The actual cost of the merchandise is the amount actually paid by the operator, including sales tax. In the case of donated merchandise, the operator may deduct the fair-market value of the merchandise. This includes the merchandise punch boards and pull-tabs previously reported under the retailing B&O tax classification on which retail sales tax was collected.

Therefore, as of April 1, 1999, operators are not allowed to use resale certificates for purchases of items awarded to winners of merchandise punch boards and pull-tabs. Operators are considered to

be the consumers of the merchandise purchased and therefore are required to pay the retail sales tax or use tax on these items. Manufacturers and distributors of these games should not accept resale certificates from the operators.

If you need assistance on this topic, please contact the Telephone Information Center of the Department of Revenue at (800) 647-7706 or (360) 486-2346.

## Reporting Help For You!

By Kathy Mills, Financial Reporting Services Supervisor

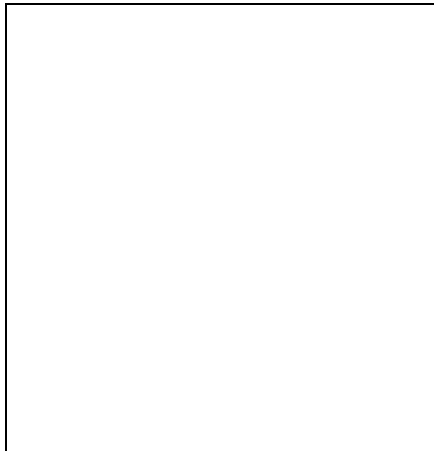
### For our commercial punchboard/pull-tab licensees

You may have noticed that your quarterly activity report looks different. We have revamped the report to make it easier for you to fill out. We have added some helpful hints to the back page based on mistakes that we see most often in our review of previous activity reports. These helpful hints will change on a quarterly basis to highlight the most common errors you will want to avoid. Additionally, we help you out by printing the figures we know about directly on your report before we send it to you, for example the license fee amount.

You will still need to keep a copy of the report before sending it back to us. You will now need to do that by making a photocopy because we will no longer be using the carbon-less (NCR) paper. We had feedback that many licensees already make a photocopy because they preferred the clarity on the photocopy to the NCR copy.

This new process opens the door for new ways to make the activity report easier to fill out. In the future, we anticipate being able to e-mail the form to you at your request. The e-mail version will utilize some edits so you can avoid some of those common mistakes (like not rounding or improper calculations).

We are always looking for ways to help you in meeting your compliance obligations. We think the new laser print activity reports will be a great help to you. If you have additional ideas of how we can assist you in this reporting requirement, please let us know by calling 1-800-345-2529, extension 3473 or for local calls, 486-3473.



## Problem Gambling Training and Awards Dinner

By Gary Hansen, Executive Director,  
Washington State Council on  
Problem Gambling

The Washington State Council on Problem Gambling (WSPG) will host two events in coordination with the November 14 meeting of the Washington Gambling Commission. The first event will be a discussion workshop examining the subject of self-banning. The purpose of this workshop is to discuss the problems associated with self-banning and determine solutions. We invite representatives from all sectors of the gambling industry – tribal gaming, minicasinos, card rooms, nonprofit gambling, and others - to attend this workshop. The workshop is scheduled for November 14, 8:30 a.m. to 10:30 a.m. It will be located in the same room at the Tacoma Sheraton that is reserved for the Gambling Commission study group. The study group session will begin immediately after the self-banning discussion.

On the evening of November 14, the WSPG will hold its first Awards Dinner to recognize those who have supported the work of the Council. This event will begin at 6:00 p.m. at the Tacoma Sheraton. (A contribution of \$45.00 per person to cover the cost of this event is appreciated). The Board of Directors and staff of the WSPG invites you to join us for the Awards Dinner. Please RSVP to (800) 547-6133 by November 8.



# Financial Reporting Services Reports

The following licensees failed to submit their quarterly reports when due. They have submitted their reports now and paid the appropriate fine based on the number of late reports in the preceding one-year period.

<u>LICENSEE/LOCATION</u>	<u>FINE</u>	<u>YR/QTR</u>
Andy's Restaurant/Kent	\$200	01/2
Cookies's Tavern/Bremerton	\$200	01/2
Legends Sports Bar & Grill/Tukwila	\$200	01/2

**Following is the schedule of fines for reports submitted late. If no report is submitted, the licensee will be issued a statement of charges.**

## Schedule of Fines

First Offense.....	\$200
Second Offense .....	\$400
Third Offense .....	\$600
<b>Fourth Offense</b>	<b>No Fine</b>
<b>A Statement of Charges is automatically issued.</b>	
<b>See below for Administrative Actions on late reporting violations</b>	

## Late Reporting Administrative Update

LICENSEE	VIOLATION	CASE OUTCOME
Club 99 Restaurant & Lounge, Vancouver	Failure to submit Quarterly Activity Reports in a timely manner.	The licensee agreed to a 20 day suspension. 8 days were deferred for one year. The remaining 12 days were vacated with the licensee's payment of a \$750 fine. The licensee also agreed to submit all subsequent QARs in a timely manner.
Turners, Everett	Failure to submit Quarterly Activity Reports in a timely manner.	The licensee failed to respond in the prescribed time; therefore, an Order of Default was entered at the October Commission Meeting for the revocation.



## Washington State Gambling Commission Administrative Case Update

LICENSEE	VIOLATION	CASE OUTCOME
Shotze's Rack N Roll, Arlington	Operating pull-tabs with an expired license.	The licensee agreed to a 30-day suspension. 20 days were deferred for one year; 10 days were vacated with payment of \$1,800 which represents the licensee's net income for 10 days. The licensee also agreed to reimburse the Commission for its investigative and administrative costs of \$390.
Freddie's Club, Everett	Allowing a Card Room Employee to work with an expired license.	The licensee agreed to a one-day suspension, which was vacated with payment of a \$500 fine. The licensee also agreed to reimburse the Commission \$510 for its investigative and administrative costs.
Da Vy Waldron, CRE (Last known employer Diamond Lil's, Tacoma)	Dealer Cheating	The licensee agreed to surrender her license for a period of two (2) years.
Lee Evans, CRE (Last known employer, Cleopatra's Cable Bridge Casino, Kennewick)	Failure to disclose criminal history.	Charges were issued for the revocation of the CRE's license, which the licensee failed to respond to. An Order of Default, revoking the CRE's license was entered at the September Commission Meeting.
Griffin, Kimberly	Criminal History	Charges were issued for the revocation of the CRE's license, which the licensee failed to respond to. An Order of Default, revoking the CRE's license was entered at the October Commission meeting.
Big Y Tavern, Richland	Operating punchboards/pull-tabs with an expired license	The licensee agreed to a seven-day suspension. 5 days were deferred for one year. The remaining two days were vacated by the licensee reimbursing the Commission for its investigative and administrative costs of \$300.
Columbia Basin Domestic Violence Services, Kennewick	Repeated failure to submit supporting service expenses as part of its functional expenses, and failure to submit financial statements.	The licensee agreed to a 30-day suspension. 15 days were deferred for one year; the remaining 15 days were vacated with payment of a \$3,500 fine. The licensee also agreed to reimburse the Commission \$500, a portion of its investigative and administrative costs.





## NEW RULES MANUALS

By Susan Arland, Rules Coordinator and Public Information Officer

The new 2001 edition of the rules manual was mailed to licensees on September 1, 2001. If you have not received your copy, please e-mail Heather Jones at [Heather@prt.wa.gov](mailto:Heather@prt.wa.gov) and she will mail you one. If you don't have access to e-mail, please call Heather at (360) 570-5544.

New manuals were not sent to each card room employee. There are approximately 5000 card room employees as well as 5000 other licensees. It was cost prohibitive to send manuals to all licensees and all card room employees. Additionally, it would have been duplicative as card room employees have access to the manuals at their job. If a card room employee would like a manual, we'll be more than happy to send them one if they contact the Receptionist at the Lacey office (360) 486-3440.

Remember to remove the staples from the manual and place it into a notebook. This will make it easier to update the manual with new rules you will be receiving in the future through the newsletter.

Some licensees have asked how they can obtain an electronic version of the rules manual. Current versions of WAC 230 and RCW 9.46 are posted on the agency website. Go to [www.wsgc.wa.gov](http://www.wsgc.wa.gov) and click on Gambling RCW & WAC. Here are some other ways you can access gambling laws and rules from our web site:

### LAWS

Click on "Gambling RCW" for current Gambling Laws. Use the Edit pull down window and select "Find" to perform word searches.

### RULES

For current rules, click on "Gambling WAC" and "Gambling WAC 230 updated through Administrative Order #405." Use the Edit pull down window and select "Find" to perform word searches.

When changes to WAC 230 are adopted at a Commission meeting, the Office of the Code Reviser codifies the changes, making them official. The codification process takes several weeks.

After the rules are codified, the updated version of WAC 230 will be posted on the website. Therefore, there may be times when a rule which was recently adopted may not appear in the WAC posted on the website. This is because of the processing time needed by the Code Reviser's office. Therefore, please verify that you are viewing the most current version.



## RULE CHANGES

By Susan Arland, Rules Coordinator and Public Information Officer

**These Rules were Up for Discussion at the October Commission Meeting. We anticipate they will be adopted at the November 15 Commission meeting to become effective January 1, 2002.**

### LICENSED RAFFLES

**WAC 230-20-325 Manner of conducting a raffle**

**WAC 230-20-335 Members-only raffles – Procedures – Restrictions.**

Under current rules, raffle licensees must request approval from Commission staff each time they want to sell tickets at a discount or utilize alternative drawing formats (such as a duck race) to determine raffle winners.

The proposed rule amendment would allow licensees to reuse discount schemes and alternative drawing formats once they have been approved. The amendments will save staff time by eliminating repetitive approval of alternative drawing formats and discount schemes when they are identical in nature.

### RE-OPENING A HOUSE-BANKED CARD ROOM AFTER CLOSURE

**WAC 230-40-801 Interruption of card games – Pre-operational review and evaluation required – House-banking.**

**WAC 230-04-207 Additional requirements – House-banked card games.**

This new rule sets forth the requirements a licensee must follow to reopen their house-banked card room after a temporary closure. This rule will codify operating procedures, which are currently handled through policy.

*(Continued on page 10)*

*(Continued from page 9)*

If a house-banked card room will be closed for more than seven days, the operator must inform Commission staff why the card room is closed and the anticipated re-opening date, within three days of the closure. If the closure exceeds sixty days, the licensee shall notify staff of any changes in their operation. When the licensee feels they are ready to reopen, the card room must undergo a Pre-Operational Review and Evaluation (PORE) by Commission staff. Staff will review the physical layout of the card room, internal accounting and administrative controls, and ensure there is adequate trained personnel in place. The licensee must correct any discrepancies found by staff and receive written approval from the director prior to reopening the card room.

These procedures will ensure the security and integrity of the card games have not been compromised in any way during the time the card room was closed.

### LICENSING FEES

**WAC 230-04-202 Fees – Bona fide charitable/nonprofit organizations.**

**WAC 230-04-203 Fees – Commercial stimulant and other business organizations.**

**WAC 230-04-204 Fees – Individuals.**

**WAC 230-08-017 Control of gambling equipment – Use of identification and inspection services stamps.**

After reviewing the agency's budget, staff have determined that a fee increase of approximately 2.79% is needed to cover budget requirements. This increase is in accordance with the limitations set forth in Initiative 601; we have not had a fee increase for two years.

Commissioners are considering two alternatives. One increases licensing fees for commercial operators and ID stamp fees. However, fees for charitable and nonprofit licensees, including FRE licenses, would not be increased. The other alternative increases fees for both types of operators.

At the May meeting, the Commission filed a Petition for Rule Change submitted by Richard Walker. Mr. Walker requested that licensing fees for fund-raising events (FRE) be reduced to \$50. Staff did not feel a reduction of this amount would cover agency costs; therefore, staff proposed an alternative, which was filed by the Commission at the June meeting. Staff's alternative reduced licensing fees for limited fund-raising events and reduced all FRE fees when charitable organizations renewed their FRE license. The alternative reduced fees, yet still allowed our agency to recover basic licensing costs. This amendment was Up for Final Action at the August Commission meeting. However at the meeting, the Commission held the FRE fee change over and incorporated it into this rules package. By combining all changes to WAC 230-04-202 in one amendment, only one update will need to be incorporated into the rules manuals, rather than two.





## Operational Questions / Regional Offices

Lynnwood	(425) 776-6751	Tacoma	(253) 471-5312	Spokane	(509) 456-3167
Bellingham	(360) 738-6203	Yakima	(509) 575-2820	Wenatchee	(509) 662-0435

### Headquarters

Lacey (800) 345-2529 or (360) 486-3440

Administration	3447	Administrative Charges & Cases (Compliance and Hearings)	3465
Media Questions	3466/3463	Tribal Negotiations (Class III)	3449/3468
License Application Requests	3440	Tribal Implementations (Class III)	3587
Status of License Application (General)	3440	Problem Gambling	3467
Pre-License Financial Investigation	3555	Rule Changes	3466
(Commercial, Nonprofit, Suppliers, Mfg, Class III)		Commission Meeting Agenda	3447
Mandatory Training Schedule	3440	Activity Report Annual/Quarterly	3474
Public Disclosure Requests	3529	Record Keeping Forms	3440
Newsletter	3467	ID Stamps/Business Operation Office	3489
Unlicensed Raffles	3466/3467	Human Resources (Personnel)	3457
Business Promotional Contest of Chance	3466/3467	Regulatory Questions/Field Operations	*

**\* Call the closest regional office listed above**

Washington State Council on Problem Gambling  
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